

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

The City of Farmington Hills
Employees Retirement System,
individually and on behalf of
all others similarly situated,

Civil No. 10-4372 (DWF/JJG)

Plaintiff,

v.

**ORDER REGARDING
CLASS NOTICE**

Wells Fargo Bank, N.A.,

Defendant.

David M. Cialkowski, Esq., Carolyn G. Anderson, Esq., Brian C. Gundmundson, Esq., and June Pineda Hoidal, Esq., Zimmerman Reed, P.L.L.P.; and Peter A. Binkow, Esq., Andy Sohrn, Esq., Casey E. Sadler, Esq., Elizabeth M. Gonsiorowski, Esq., Robin Bronzaft Howald, Esq., and Jill Duerler, Esq., Glancy Binkow & Goldberg LLP; and Thomas C. Michaud, Esq., VanOverbeke, Michaud & Timmony PC; Christopher D. Kaye, Esq. and E. Powell Miller, Esq., The Miller Law Firm, P.C.; and Avraham Noam Wagner, Esq., The Wagner Firm, counsel for Plaintiff.

Lawrence T. Hoffman, Esq., Richard M. Hagstrom, Esq., James S. Reece, Esq., Rory D. Zamansky, Esq., Daniel J. Millea, Esq., and Michael R. Cashman, Esq., Zelle Hofmann Voelbel & Mason LLP; and Brooks F. Poley, Esq., and William A. McNab, Esq., Winthrop & Weinstine, PA, counsel for Defendant.

On March 27, 2012, the Court issued an order granting Plaintiff's Motion for Class Certification. (Doc. No. 120.) The parties were unable to agree upon the content of the class notice and submitted briefs in support of their respective positions. (Doc. Nos. 130, 131, 133; *see also* Doc. No. 144.) On May 24, 2012, the Court held a telephone status conference to discuss the disputed issues pertaining to class notice.

ORDER

Based upon the submissions of the parties, and the arguments of counsel, **IT IS HEREBY ORDERED** that:

1. Plaintiff's proposed class notice (Doc. No. [133], Ex. A) is **APPROVED** with the following modifications:

a. The following text, which appears on page 3 of Plaintiff's proposed notice, shall be deleted from the Notice disseminated to the class:

In addition, Wells Fargo has filed a Petition with the Eighth Circuit Court of Appeals seeking a review and reversal of the District Court's March 27, 2012 ruling certifying the Class. As of the date of issuance of this Notice, the Eighth Circuit Court of Appeals had [sic] not issued any ruling on Wells Fargo's Petition.

b. The following paragraph, which appears on page 5 of Plaintiff's proposed notice, shall be deleted from the Notice disseminated to the class:

If you have been contacted by Wells Fargo Bank, N.A. or its counsel regarding the subject matter of this action, and/or if you are considering releasing any claims related to the subject matter of this action, you should contact Class Counsel, listed in Section 9 below, so that you can fully understand any legal rights you may be releasing.

c. The Class Notice shall contain the relevant contact phone number(s) and website URL.

2. The Class Notice shall be disseminated as soon as practicable after the issuance of this order to all members of the following class:

All participants in Defendant Wells Fargo Bank, N.A.'s securities lending program (the "Program") from any time in the period January 1, 2006 to the present who suffered losses due to the Program's purchase and maintenance of high risk, long-term securities.

3. The Court declines to appoint a notice expert in this matter.

4. The Court declines to issue an advisory opinion governing Defendant's contacts and communications with potential class members or their counsel, or otherwise comment on the proper scope and parameters of such contacts and communications.

Dated: May 25, 2012

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge